

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**5:19-CV-1205  
(FJS/ML)**

**DIANE L. TRIMBLE,**

**Defendant.**

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**APPEARANCES**

**PINCUS LAW GROUP, PLLC**  
424 RXR Plaza  
Uniondale, New York 11556  
Attorneys for Plaintiff

**DIANE L. TRIMBLE**  
9 Frawley Drive  
Baldwinsville, New York 13027  
Defendant *pro se*

**SCULLIN, Senior Judge**

**OF COUNSEL**

**BARRY WEISS, ESQ.**  
**CYNTHIA MALONE, ESQ.**

**ORDER**

On February 28, 2022, Plaintiff filed a motion for summary judgment, *see* Dkt. No. 58, to which Defendant filed a response in opposition, *see* Dkt. No. 68. Thereafter, on April 11, 2022, Plaintiff filed a letter motion requesting the withdrawal of its motion for summary judgment, *see* Dkt. No. 73, and a motion to dismiss the complaint without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and to cancel the Notice of Pendency filed herein, *see* Dkt. No. 74.

Having reviewed Plaintiff's submissions, the Court hereby

**ORDERS** that Plaintiff's motion to withdraw its motion for summary judgment, *see* Dkt. No. 73, is **GRANTED**; and the Court further

**ORDERS** that Plaintiff's motion to dismiss the complaint without prejudice and without further costs to either party, *see* Dkt. No. 74, is **GRANTED**; and the Court further

**ORDERS** that, based on Plaintiff's counsel's affirmation, Plaintiff's prior request to accelerate the maturity of the loan that is the subject of this action is **REVOKED** and Plaintiff's prior demand for immediate payment of such loan is **WITHDRAWN**; and the Court further

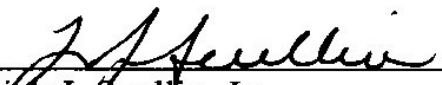
**ORDERS** that the notice of pendency filed herein on October 1, 2019, *see* Dkt. No. 5, and with the Onondaga County Clerk on October 9, 2019, and indexed against Section 21, Block 8, Lot 3, is **CANCELED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendant and close this case; and the Court further

**ORDERS** that the Clerk of this Court shall mail a certified copy of this Order to the Onondaga County Clerk to indicate that such Notice of Pendency has been canceled so that the Onondaga County Clerk can mark its records accordingly.

**IT IS SO ORDERED.**

Dated April 19, 2022  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge